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December 23, 2015

Ms. Marlene Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: Docket 14-150

Dear Ms. Dortch:

This letter summarizes meetings held with Jessica Almond of Chairman Wheeler's staff and Jennifer Thompson of Commissioner Rosenworcel's staff on December 21, 2015. Present were the undersigned and Robert McAllan for PMCM TV, LLC, Anne Lucey, John Bagwell and Robert Seidel for CBS, Inc., Joshua Pila and John Logan for Meredith Broadcasting, Inc., Ari Moscovitz for Time Warner Cable and Cablevision, Rosemary Harold for Viacom, and Mace Rosenstein for Ion.

PMCM offered an overview of the history of its travails in first obtaining its licenses for New Jersey and Delaware over staunch opposition from the FCC, then recounted more recent developments including the circumstances of its assignment to PSIP channel 33 and noted several ways that that assignment conflicts with the PSIP protocols, creates absurd

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results, or directly conflicts with the Spectrum Act. The fact that the Commission's earlier failure to heed the law had caused millions of viewers in new Jersey to be denied access to state-specific election coverage for several election cycles was pointed out, along with the fact that the unnecessary assignment of additional VHF channels to New Jersey and Delaware could now cost the Treasury more than a hundred million dollars in auction payments.

PMCM then summarized its recent findings, which had been independently confirmed by CBS's tests, that more than half of the television sets in the marketplace do not correctly route viewers to their desired stations when a PSIP channel overlaps with the same over-the-air channel. This result, which adversely affects over a million over the air viewers in the New York DMA, was not anticipated by anyone when the Bureau assigned PMCM PSIP 33.

PMCM also pointed to the fact that assignment of a UHF PSIP to a VHF station has caused considerable confusion in the marketplace because many over-the-air antennas do not receive VHF signals. This has created confusion for viewers who think that WJLP is on channel 33 and can therefore be picked up with a UHF antenna.

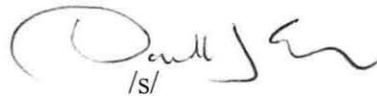
PMCM proposed that the best solution for this problem is to restore it to major/minor virtual channel 3.10 on an interim basis pending the Incentive Auction, which might open new VHF PSIP possibilities acceptable to PMCM and not incompatible with anyone else. This solution is known to work technically based on the parties' past experience with PMCM's operations. The 3.10 PSIP also created no known instances of consumer confusion. By contrast, PMCM has gotten complaints on a weekly basis that consumers cannot access its station using PSIP 33. The fact that some viewers are being directed to CBS's New York station (WCBS) when they are trying to access PMCM's New Jersey station is an illustration of how consumer confusion is occurring with the current PSIP.

Meredith suggested that PMCM was trying to piggyback on Meredith's channel 3 brand, despite the fact that there were no cases of brand confusion identified by any party during the six months that PMCM operated with PSIP 3.10. CBS suggested that best the solution is to educate viewers to input 33.1 instead of 33 when they are trying to access PMCM's channel 3. PMCM pointed out that it had gotten a screen shot from a disgruntled viewer whose TV set had directed him to WCBS even though he had specifically input 33.1 on his remote. (Copy attached) This result occurred on three different sets used by the viewer. So the "33.1" solution is obviously not a universal fix to the problem identified. More importantly, PMCM pointed out that it would be unfair and unacceptable to require

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viewers of PMCM alone of all the stations in the New York DMA to click in a complete major/minor channel combo in order to reach a primary station. It is for this reason that it's essential that a station's PSIP should have a VHF major channel number if its over the air channel is VHF.

Sincerely,



Donald J. Evans  
*Counsel for PMCM TV, LLC*

Enclosure

cc (via email):

Jessica Almond  
Jennifer Thompson  
Anne Lucey  
John Bagwell  
Ari Moscovitz  
Rosemary Harold  
Mace Rosenstein  
Joshua Pila  
John Logan





**Viewer Reported:** tv's affected are Sony KDL-52XBR9 , LG 49UB8500 and JVC PD-42X776, Thomas Baglieri, [thomas.baglieri@gmail.com](mailto:thomas.baglieri@gmail.com)